

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>****I. EXECUTIVE SUMMARY**

Date of Incident:	March 3, 2016
Time of Incident:	4:00 pm
Location of Incident:	[REDACTED]
Date of COPA Notification:	March 8, 2016
Time of COPA Notification:	9:44 am

On March 3, 2016, at approximately 4:00 pm, Chicago Police executed a search warrant at [REDACTED]. Subsequently, [REDACTED] was arrested for Possession of a Controlled Substance, and alleged that Sergeant [REDACTED] # [REDACTED] choked her. COPA recommends that this allegation be NOT SUSTAINED. [REDACTED] alleged that Sergeant [REDACTED] improperly searched her. COPA recommends that this allegation be UNFOUNDED. [REDACTED] alleged that Sergeant [REDACTED] handcuffed her too tightly. COPA recommends that this allegation be NOT SUSTAINED. [REDACTED] alleged that Sergeant [REDACTED] failed to accurately document and inventory the amount of cash removed from the home. COPA recommends that this allegation be UNFOUNDED.

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED], star# [REDACTED], employee ID# [REDACTED], Date of Appointment: [REDACTED], 1995, Sergeant, Unit of Assignment: [REDACTED], DOB: [REDACTED], 1962, Female, Black
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1981, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Sergeant [REDACTED]	1. Choked the complainant in violation of rules 2, 6, and 8. 2. Inappropriately searched the complainant by placing your hand inside her pants in violation of rules 2, 6, and 8.	NOT SUSTAINED  UNFOUNDED

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

to scream that she was being raped by the Officers and believed that the other occupants would hear her. During the struggle with Sergeant [REDACTED] and Officer [REDACTED], [REDACTED] threatened to jump out of the window. [REDACTED] claimed that Sergeant [REDACTED] held her on the bed and choked her. Sergeant [REDACTED] accused her of having something and reached into her pants and touched her vagina. [REDACTED] complained that her handcuffs were too tight and that the Officers squeezed them tighter during the struggle resulting in some marks on her wrists. [REDACTED] was then handcuffed to a chair. After approximately five minutes, Sergeant [REDACTED] loosened [REDACTED] handcuffs and allowed [REDACTED] to brush her teeth in the bathroom and put on shoes. [REDACTED] was transported to the police station and signed an inventory receipt for \$763.00 but claimed there was \$2,800 in the apartment, and an additional \$24.00 was missing from her daughter's jacket. [REDACTED] was transported to bond court the next day.<sup>5</sup>

The recorded statement of Sergeant [REDACTED] was taken at IPRA on January 20, 2017. Sergeant [REDACTED] was informed by Officer [REDACTED] that upon entry [REDACTED] was observed running from the rear of the apartment to a bedroom and threw a plastic bag to [REDACTED]. [REDACTED] then jumped in the bed with [REDACTED]. [REDACTED] showed his hands and was taken into custody by Officer [REDACTED], but [REDACTED] made motions as to stuffing something into her pants. Sergeant [REDACTED] believed it to be narcotics and that [REDACTED] was attempting to push it into her body cavity. As Sergeant [REDACTED] and Officer [REDACTED] attempted to handcuff [REDACTED], she began to scream that she was being raped and was screaming profanities. [REDACTED] was then handcuffed to a chair because she threatened to jump from the window. After [REDACTED] calmed down she was led to the bathroom by Sergeant [REDACTED] and Officer [REDACTED] where [REDACTED] pulled the narcotics from her pants and it was placed in an evidence bag. Sergeant [REDACTED] denied the allegations.<sup>6</sup>

The recorded statement of Officer [REDACTED] was taken at IPRA on February 8, 2017. Officer [REDACTED] entered through the rear of the apartment and saw a male run out of the kitchen and into a nearby bedroom. Officer [REDACTED] and Officer [REDACTED] entered the bedroom and saw the male ([REDACTED]) throw an object to a female ([REDACTED]) that was sitting on the bed. [REDACTED] began to reach into the front of her and appeared to be stuffing something into her pants, while [REDACTED] raised his hands and was taken into custody. [REDACTED] was given several orders to raise and show her hands by Officer [REDACTED] and Sergeant [REDACTED], but she did not comply. When the Officers attempted to handcuff [REDACTED], she began to scream that she is being raped and threatened to jump out of the window. The Officers patted [REDACTED] down and Sergeant [REDACTED] secured her to a chair for her own safety. [REDACTED] remained agitated while handcuffed to the chair during which Sergeant [REDACTED] was attempting to calm her and asked for the items that were placed into her pants. [REDACTED] calmed down and agreed to give Sergeant [REDACTED] the items. [REDACTED] was uncuffed and escorted to the bathroom by Officer [REDACTED] where she took a plastic bag containing narcotics from her pants which Sergeant [REDACTED] then placed in an evidence bag. Officer [REDACTED] did not see Sergeant [REDACTED] place her hand in [REDACTED] pants or choke her.<sup>7</sup>

#### b. Digital Evidence

Photographs of [REDACTED] depict marks to her wrists.<sup>8</sup>

<sup>5</sup> Att. 12, 42

<sup>6</sup> Att. 56, 65

<sup>7</sup> Att. 60, 66

<sup>8</sup> Att. 14

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

COPA determined the following regarding the allegations:

Sergeant [REDACTED] choked [REDACTED]

According to [REDACTED], Sergeant [REDACTED] choked her during her struggle with the Officers. Sergeant [REDACTED] denied the allegation and Officer [REDACTED] did not see the Sergeant choke [REDACTED]. There was no other evidence presented during the investigation and no witnesses<sup>15</sup> to corroborate [REDACTED] claims. COPA found that there was not a preponderance of evidence to prove or disprove [REDACTED] allegation, therefore COPA recommends that this allegation be Not Sustained.

Sergeant [REDACTED] inappropriately searched [REDACTED]

According to [REDACTED]<sup>16</sup>, Sergeant [REDACTED] reached into her pants and touched her vagina. Sergeant [REDACTED] denied the allegation<sup>17</sup> and Officer [REDACTED] did not see the Sergeant place her hand in [REDACTED] pants<sup>18</sup>. At the time of the alleged incident, [REDACTED] was being placed into custody and struggling with the Officers. According to the Officer's statements and documentation, [REDACTED] was attempting to hide an unknown object in her pants. If the incident occurred as alleged, it would be reasonable to believe that the Officers were trying to prevent destruction of evidence and recover the item from her pants, and at that point, the search would have been custodial; reaching into [REDACTED] pants is not prohibited, and the touching of her vagina would have been incidental and not considered misconduct. COPA found that the totality of the evidence was clear and convincing that this incident is not factual nor occurred as alleged, therefore COPA recommends that this allegation be Unfounded.

Sergeant [REDACTED] handcuffed [REDACTED] too tightly

[REDACTED] admits that she struggled and resisted the Officers as they attempted to place her in custody. [REDACTED] further admits that she threatened to jump from a third-floor window which prompted Sergeant [REDACTED] to handcuff her to a chair for her own safety. It is reasonable to believe that the handcuffs tightened during the struggle and not because Sergeant [REDACTED] tightened them for the purpose of inflicting pain or injury. Sergeant [REDACTED] denied the allegation. Although there was evidence presented that depicted marks on [REDACTED] wrists<sup>19</sup>, there is also evidence that provides an explanation for the marks, and that the handcuffs were loosened as soon as [REDACTED] calmed down.

<sup>15</sup> Attempt to contact

<sup>16</sup> Att. 12

<sup>17</sup> Att. 65

<sup>18</sup> Att. 66

<sup>19</sup> Att. 14

**Appendix A**

Assigned Investigative Staff

**Squad#:**

[REDACTED]

**Major Case Specialist:**

[REDACTED]

**Supervising Investigator:**

[REDACTED]

**Deputy Chief Administrator:**

Angela Hearts-Glass